

AMENDED IN ASSEMBLY JUNE 7, 2004

AMENDED IN SENATE APRIL 21, 2004

SENATE BILL

No. 1913

**Introduced by Committee on Business and Professions (Senators
Figueroa (Chair), Brulte, Cedillo, Machado, Murray, and
Vincent)**

March 17, 2004

~~An act to amend Sections 28, 1274, 2041, 2462, 2470.14, 2902, 2915.7, 2936, 4005, 4030, 4059.5, 4076, 4081, 4101, 4114, 4200, 4409, 4980.395, 4990.4, 4996.18, 4996.20, and 4996.25 of, and to add Sections 4026.5, 4107, 4208, and 4209 to, the Business and Professions Code, and to amend Sections 11159.1, An act to amend Sections 28, 1054, 1274, 2041, 2462, 2532.6, 2570.14, 2902, 2915.7, 2936, 4005, 4030, 4059.5, 4076, 4081, 4101, 4114, 4200, 4207, 4409, 4980.395, 4990.4, 4996.18, 4996.20, and 4996.26 of, to amend and repeal Section 5810 of, and to add Sections 1005, 2571, 4026.5, 4068, 4107, 4127.7, 4170.5, 4208, and 4209 to, the Business and Professions Code, to amend Section 13401 of the Corporations Code, and to amend Sections 11159.1, 11207, and 111625 of the Health and Safety Code, relating to professions.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1913, as amended, Committee on Business and Professions. Professions.

(1) Existing law provides for the licensing and regulation of psychologists, clinical social workers, and marriage and family therapists. Existing law requires a person applying for licensure as a psychologist, clinical social worker, or marriage and family therapist on

and after January 1, 1987, to have completed specified coursework or training in child abuse assessment and reporting from certain types of institutions.

This bill would revise the types of educational institutions from which the training may be obtained.

(2) Existing law provides for the regulation of clinical laboratories. Existing law requires a clinical laboratory to send to persons submitting cytological samples for evaluation information letters on all cases of dysplasia, and requires that, when a clinical lab determines that an abnormality of dysplasia has been identified for a patient for whom the lab earlier reported a normal finding, all previous cytologic slides on that patient be reexamined by the lab.

This bill would instead state that ~~these requirements are applicable to cases of~~ *documentation is required for high-grade squamous intraepithelial lesions, adenocarcinoma, or other malignant neoplasm.*

(3) Existing law provides for the regulation and licensure of podiatrists by the California Board of Podiatric Medicine, in the Medical Board of California. The California Board of Podiatric Medicine consists of specified members, 5 of whom are appointed by the Governor, and requires the Governor to give consideration to recommendations of the board, except with regard to the public members.

This bill would remove the requirement that the Governor give consideration to the recommendations of the board in appointing members to the board.

(4) Existing law provides for the licensure and regulation of occupational therapists by the California Board of Occupational Therapy. Existing law requires an initial applicant for an occupational therapy license to provide evidence of certain qualifications, including evidence of having successfully completed a board-approved education program specifically designed for applicants preparing for reentry into the field of occupational therapy.

This bill would delete the requirement that an applicant provide evidence of having successfully completed a board-approved educational program specifically designed for applicants preparing for reentry into the field of occupational therapy.

The bill would also revise an occupational therapist's scope of practice to include the application of topical medications prescribed by the patient's physician, if specific requirements are met.



(5) Existing law provides for the licensure and regulation of psychologists by the Board of Psychology. Existing law requires licensed psychologists to post a notice to consumers containing specified language regarding the Board of Psychology.

This bill would revise the language in the notice.

(6) Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacies and pharmacists by the California State Board of Pharmacy, in the Department of Consumers Affairs. A knowing violation of the Pharmacy Law is a crime.

Existing law authorizes the board to adopt rules and regulations necessary for the protection of the public, and specifies rules and regulations that may be adopted.

This bill would add rules and regulations relating to the pharmacy practice experience necessary for licensure as a pharmacist. The bill would also define a license in good standing as a license issued by the board that is unrestricted by disciplinary action.

Existing law generally requires dangerous drugs or dangerous devices to be delivered to a licensed pharmacy premises and signed for and received by the pharmacist-in-charge or, in his or her absence, another pharmacist he or she delegates.

This bill would instead require signature by and delivery to a pharmacist. The bill would authorize a pharmacy to take delivery of dangerous drugs or dangerous devices when the pharmacy is closed and no pharmacist is on duty if specified requirements are met.

Existing law prohibits a pharmacist from dispensing a prescription except in a container that meets specified labeling requirements, including a label that contains the name of the prescriber. Existing law authorizes a pharmacist to furnish certain medications without a prescription if specified conditions are met.

This bill would require a pharmacist who furnishes medications without a prescription, as specified, to indicate his or her name on the container. The bill would prohibit the board from issuing more than one site license to a single premises, except as specified.

Existing law defines an intern pharmacist as a person registered with the board who has completed education requirements determined by the board. Existing law authorizes an intern pharmacist to perform activities pertaining to the practice of pharmacy as determined by the board, and requires that an act restricted to a pharmacist may be performed by an intern pharmacist only under the supervision of a



pharmacist. Existing law prohibits a pharmacist from supervising more than one intern pharmacist at a time.

This bill would require the licensure of intern pharmacists and would set forth specified requirements that an intern pharmacist must meet, and conditions under which *an* intern pharmacist license may be issued. The bill would also authorize an intern pharmacist to perform all functions of a pharmacist at the discretion of and under the supervision of a pharmacist whose license is in good standing with the board, and would prohibit a pharmacist from supervising more than two intern pharmacists at one time.

Existing law requires an applicant for licensure as a pharmacist who has graduated from a foreign pharmacy school to, among other things, receive a grade satisfactory to the board on an examination designed to measure equivalency.

This bill would instead require a foreign-educated applicant to be certified by the Foreign Pharmacy Graduate Examination Committee.

Existing law authorizes a pharmacist or pharmacy renewing a license to make a \$25 contribution to the board to fund the California Pharmacist Scholarship and Loan Repayment Program.

This bill would require that the contribution be at least \$25.

The bill would also authorize a prescriber to dispense a controlled substance to an emergency room patient, if certain requirements are met.

The bill would, on and after July 1, 2005, require a pharmacy to compound sterile injectable products only in specified environments.

The bill would authorize veterinarians in a veterinary teaching hospital to dispense and administer dangerous drugs and devices from a common stock. The bill would make other related changes.

Because this bill would create new requirements and prohibitions applicable to pharmacists, the knowing violation of which would be a crime, it would impose a state-mandated local program.

(7) Existing law provides for the licensing and regulation of social workers by the Board of Behavioral Sciences in the Department of Consumer Affairs. Existing law sets forth an initial registration fee as an associate clinical social worker of \$90. Existing law requires an applicant for registration or licensure trained in an educational institution outside of the United States to meet specified requirements.

This bill would change the initial registration fee to \$75. The bill would also revise the licensure requirements for foreign graduates.

(8) Existing law regulates the manufacture of pharmaceuticals.



This bill would prohibit a manufacturer of pharmaceuticals from operating without employing sufficient, qualified supervision to adequately safeguard and protect the public health.

(9) *Existing law, the Chiropractic Act, a statute enacted by initiative, creates the State Board of Chiropractic Examiners, which licenses and regulates the practice of chiropractic.*

This bill would make certain provisions of the Business and Professions Code that are applicable to licensees who are licensed by various boards in the Department of Consumer Affairs, applicable to chiropractors.

(10) *Existing law regulates chiropractic corporations, and requires the name of a chiropractic corporation to contain and be restricted to certain words.*

This bill would require, but not restrict the name to, the use of those words.

(11) *Existing law licenses and regulates the practice of speech-language pathology and audiology by the Speech-Language Pathology and Audiology Board. Existing law requires a licensee to complete specified continuing professional development coursework.*

This bill would require courses to be approved by the board for those course hours to be credited.

(12) *Existing law regulates professional corporations, defined as a corporation that is engaged in rendering professional services pursuant to a certificate of registration. Existing law exempts corporations that render services by persons licensed by specified boards from the requirement of obtaining a certificate of registration.*

This bill would also exempt a speech-language pathology and audiology corporation from this requirement.

(13) *Existing law regulates interior designers and interior design organizations, and repeals these provisions on January 1, 2006.*

This bill would extend the repeal date of these provisions to January 1, 2007.

(14) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

SECTION 1. Section 28 of the Business and Professions Code is amended to read:

28. The Legislature finds that there is a need to ensure that professionals of the healing arts who have demonstrable contact with child abuse victims, potential child abuse victims, and child abusers and potential child abusers are provided with adequate and appropriate training regarding the assessment and reporting of child abuse which will ameliorate, reduce, and eliminate the trauma of child abuse and neglect and ensure the reporting of child abuse in a timely manner to prevent additional occurrences.

The Board of Psychology and the Board of Behavioral Sciences shall establish required training in the area of child abuse assessment and reporting for all persons applying for initial licensure and renewal of a license as a psychologist, clinical social worker, or marriage and family therapist on or after January 1, 1987. This training shall be required one time only for all persons applying for initial licensure or for licensure renewal on or after January 1, 1987.

All persons applying for initial licensure and renewal of a license as a psychologist, clinical social worker, or marriage and family therapist on or after January 1, 1987, shall, in addition to all other requirements for licensure or renewal, have completed coursework or training in child abuse assessment and reporting which meets the requirements of this section, including detailed knowledge of Section 11165 of the Penal Code. The training shall meet all of the following requirements:

(a) Be completed after January 1, 1983.

(b) Be obtained from one of the following sources:

(1) An accredited or approved educational institution, as defined in ~~Section 2902~~ Sections 2902, 4980.40, and 4996.18, including extension courses offered by those institutions.

(2) A continuing education provider approved by the responsible board or examining committee.

(3) A course sponsored or offered by a professional association or a local, county, or state department of health or mental health for continuing education and approved by the responsible board.

(c) Have a minimum of 7 contact hours.

(d) Include the study of the assessment and method of reporting of sexual assault, neglect, severe neglect, general neglect, willful cruelty or unjustifiable punishment, corporal punishment or injury, and abuse in out-of-home care. The training shall also include physical and behavioral indicators of abuse, crisis counseling techniques, community resources, rights and responsibilities of reporting, consequences of failure to report, caring for a child's needs after a report is made, sensitivity to previously abused children and adults, and implications and methods of treatment for children and adults.

(e) An applicant shall provide the appropriate board with documentation of completion of the required child abuse training.

The Board of Psychology and the Board of Behavioral Sciences shall exempt an applicant who applies for an exemption from the requirements of this section and who shows to the satisfaction of the board that there would be no need for the training in his or her practice because of the nature of that practice.

It is the intent of the Legislature that a person licensed as a psychologist, clinical social worker, or marriage and family therapist have minimal but appropriate training in the areas of child abuse assessment and reporting. It is not intended that by solely complying with the requirements of this section, a practitioner is fully trained in the subject of treatment of child abuse victims and abusers.

(f) This section shall become operative on January 1, 1997.

SEC. 2. *Section 1005 is added to the Business and Professions Code, to read:*

1005. The provisions of Sections 12.5, 23.9, 29.5, 30, 31, 35, 104, 114, 115, 119, 121, 121.5, 125, 125.6, 136, 137, 140, 141, 143, 163.5, 461, 462, 475, 480, 484, 485, 487, 489, 490, 490.5, 491, 494, 495, 496, 498, 499, 510, 511, 512, 701, 702, 703, 704, 710, 716, 730.5, 731, and 851 are applicable to persons licensed by the State Board of Chiropractic Examiners under the Chiropractic Act.

SEC. 3. *Section 1054 of the Business and Professions Code is amended to read:*

1054. Notwithstanding any other provision of law, the name of a chiropractic corporation and any name or names under which it may be rendering professional services, shall contain ~~and be restricted to~~ the name or the last name of one or more of the

1 present, prospective, or former shareholders, and shall include the
2 word “chiropractic” and the word “corporation” or wording or
3 abbreviations denoting corporate existence.

4 *SEC. 4.* Section 1274 of the Business and Professions Code is
5 amended to read:

6 1274. (a) A laboratory shall ~~send~~ *document* to persons
7 submitting cytologic samples for evaluation, on a quarterly basis,
8 informational letters on all cases of HSIL (high-grade squamous
9 intraepithelial lesions). ~~Copies of letters to those persons, and,~~
10 *adenocarcinoma, or other malignant neoplasm. Documentation*
11 *may consist of follow-up correspondence, telephone calls, or*
12 *requests included in the report. Copies of that documentation, and*
13 *any responses received to those letters, shall be maintained on file*
14 *by the laboratories for a period of five years.*

15 (b) Whenever it becomes known to a clinical laboratory that an
16 abnormality of HSIL (high-grade squamous intraepithelial
17 lesions) has been identified for a patient for whom the clinical
18 laboratory earlier reported a normal finding, all previous available
19 cytologic slides on that patient shall be reexamined by the clinical
20 laboratory.

21 (c) Records of the review of previous slides required by
22 subdivision (b) shall be maintained by the clinical laboratory,
23 including the name of the individual performing the earlier
24 examination.

25 (d) A clinical laboratory shall maintain records of all false
26 positive and false negative cases.

27 When any errors in the reporting of a smear evaluation are
28 discovered, a corrected report shall be immediately sent, when
29 medically applicable. Copies of corrected reports shall be
30 maintained in the laboratory records for a period of 10 years.

31 ~~SEC. 3.—~~

32 *SEC. 5.* Section 2041 of the Business and Professions Code is
33 amended to read:

34 2041. The term “licensee” as used in this chapter means the
35 holder of a physician’s and surgeon’s certificate or doctor of
36 podiatric medicine’s certificate, as the case may be, who is
37 engaged in the professional practice authorized by such certificate
38 under the jurisdiction of the appropriate division, board, or
39 examining committee.

40 ~~SEC. 4.—~~

1 SEC. 6. Section 2462 of the Business and Professions Code is
2 amended to read:

3 2462. The board shall consist of seven members, three of
4 whom shall be public members. Not more than one member of the
5 board shall be a full-time faculty member of a college or school of
6 podiatric medicine.

7 The Governor shall appoint the four members qualified as
8 provided in Section 2463 and one public member. The Senate
9 Rules Committee and the Speaker of the Assembly shall each
10 appoint a public member.

11 ~~SEC. 5.—~~

12 SEC. 7. *Section 2532.6 of the Business and Professions Code*
13 *is amended to read:*

14 2532.6. (a) The Legislature recognizes that the education and
15 experience requirements of this chapter constitute only minimal
16 requirements to assure the public of professional competence. The
17 Legislature encourages all professionals licensed and registered
18 by the board under this chapter to regularly engage in continuing
19 professional development and learning that is related and relevant
20 to the professions of speech-language pathology and audiology.

21 (b) On and after January 1, 2001, and until January 1, 2002, the
22 board shall not renew any license or registration pursuant to this
23 chapter unless the applicant certifies to the board that he or she has
24 completed, after April 12, 1999, and prior to his or her renewal
25 date in 2001, not less than the minimum number of continuing
26 professional development hours established by the board pursuant
27 to subdivision (c) for the professional practice authorized by his
28 or her license. On and after January 1, 2002, the board shall not
29 renew any license or registration pursuant to this chapter unless the
30 applicant certifies to the board that he or she has completed in the
31 preceding two years not less than the minimum number of
32 continuing professional development hours established by the
33 board pursuant to subdivision (c) for the professional practice
34 authorized by his or her license or registration.

35 (c) (1) The board shall prescribe the forms utilized for and the
36 number of hours of required continuing professional development
37 for persons licensed or registered under this chapter.

38 (2) The board shall have the right to audit the records of any
39 applicant to verify the completion of the continuing professional
40 development requirements.

(3) Applicants shall maintain records of completion of required continuing professional development coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

(d) The board shall establish exceptions from the continuing professional development requirements of this section for good cause as defined by the board.

(e) (1) The continuing professional development services shall be obtained from accredited institutions of higher learning, organizations approved as continuing education providers by either the American Speech-Language Hearing Association or the American Academy of Audiology, the California Medical Association's Institute for Medical Quality Continuing Medical Education Program, or other entities or organizations approved as continuing professional development providers by the board, in its discretion.

(2) *No hours shall be credited for any course enrolled in by a licensee that has not first been approved and certified by the board.*

(3) The continuing professional development services offered by these entities may, but are not required to, utilize pretesting and posttesting or other evaluation techniques to measure and demonstrate improved professional learning and competency.

~~(3)~~

(4) An accredited institution of higher learning, an organization approved as continuing education providers by either the American Speech-Language Hearing Association or the American Academy of Audiology, and the California Medical Association's Institute for Medical Quality Continuing Education Program shall be exempt from any application or registration fees that the board may charge for continuing education providers.

~~(4)~~

(5) Unless a course offered by entities listed in paragraph ~~(3)~~ (4) meets the requirements of ~~the sponsoring institution established by the board~~, the course may not be credited towards the continuing professional development requirements for license renewal.

~~(5)~~

(6) The licensee shall be responsible for obtaining the required course completion documents for courses offered by entities specified in paragraph (1).

(f) The board, by regulation, shall fund the administration of this section through professional development services provider and licensing fees to be deposited in the Speech-Language Pathology and Audiology Board Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section.

(g) The continuing professional development requirements adopted by the board shall comply with any guidelines for mandatory continuing education established by the Department of Consumer Affairs.

SEC. 8. Section 2570.14 of the Business and Professions Code is amended to read:

2570.14. An initial applicant who has not been actively engaged in the practice of occupational therapy within the past five years shall provide to the board, in addition to the requirements for licensure under Section 2570.6, any of the following:

(a) Evidence of continued competency as referred to in subdivision (b) of Section 2570.10 for the previous two-year period.

(b) Evidence of having completed the entry-level certification examination as described in subdivision (b) of Section 2570.7 within the previous two-year period.

~~SEC. 6.—~~

SEC. 9. Section 2571 is added to the Business and Professions Code, to read:

2571. (a) *An occupational therapist licensed pursuant to this chapter and certified by the board in the use of physical agent modalities may apply topical medications prescribed by the patient's physician and surgeon, if the licensee complies with regulations adopted by the board pursuant to this section.*

(b) *The board shall adopt regulations implementing this section after meeting and conferring with the Medical Board of California and the California State Board of Pharmacy specifying those topical medications applicable to the practice of occupational therapy, and protocols for their use.*

(c) *Nothing in this section shall be construed to authorize an occupational therapist to prescribe medications.*

SEC. 10. Section 2902 of the Business and Professions Code is amended to read:

2902. As used in this chapter, unless the context clearly requires otherwise and except as in this chapter expressly otherwise provided the following definitions apply:

(a) “Licensed psychologist” means an individual to whom a license has been issued pursuant to the provisions of this chapter, which license is in force and has not been suspended or revoked.

(b) “Board” means the Board of Psychology.

(c) A person represents himself or herself to be a psychologist when the person holds himself or herself out to the public by any title or description of services incorporating the words “psychology,” “psychological,” “psychologist,” “psychology consultation,” “psychology consultant,” “psychometry,” “psychometrics” or “psychometrist,” “psychotherapy,” “psychotherapist,” “psychoanalysis,” or “psychoanalyst,” or when the person holds himself or herself out to be trained, experienced, or an expert in the field of psychology.

(d) “Accredited,” as used with reference to academic institutions, means the University of California, the California State University, or an institution that is accredited by a national or an applicable regional accrediting agency recognized by the United States Department of Education.

(e) “Approved,” as used with reference to academic institutions, means an institution having “approval to operate”, as defined in Section 94718 of the Education Code.

~~SEC. 7.~~—

SEC. 11. Section 2915.7 of the Business and Professions Code is amended to read:

2915.7. (a) A licensee who began graduate study prior to January 1, 2004, shall complete a three-hour continuing education course in aging and long-term care during his or her first renewal period after the operative date of this section, and shall submit to the board evidence acceptable to the board of the person’s satisfactory completion of that course.

(b) The course should include, but is not limited to, the biological, social, and psychological aspects of aging.

(c) Any person seeking to meet the requirements of subdivision (a) of this section may submit to the board a certificate evidencing completion of equivalent courses in aging and long-term care taken prior to the operative date of this section, or proof of equivalent teaching or practice experience. The board, in its

1 discretion, may accept that certification as meeting the
2 requirements of this section.

3 (d) The board may not renew an applicant's license until the
4 applicant has met the requirements of this section.

5 ~~(e)~~

6 (e) This section shall become operative on January 1, 2005.

7 ~~SEC. 8.—~~

8 *SEC. 12.* Section 2936 of the Business and Professions Code
9 is amended to read:

10 2936. The board shall adopt a program of consumer and
11 professional education in matters relevant to the ethical practice of
12 psychology. The board shall establish as its standards of ethical
13 conduct relating to the practice of psychology, the code of ethics
14 adopted and published by the American Psychological
15 Association (APA). Those standards shall be applied by the board
16 as the accepted standard of care in all licensing examination
17 development and in all board enforcement policies and
18 disciplinary case evaluations.

19 To facilitate consumers in receiving appropriate psychological
20 services, all licensees and registrants shall be required to post, in
21 a conspicuous location in their principal psychological business
22 office, a notice which reads as follows:

23
24 “NOTICE TO CONSUMERS: The Department of Consumer
25 Affairs's Board of Psychology receives and responds to
26 questions and complaints regarding the practice of psychology.
27 If you have questions or complaints, you may contact the board
28 on the Internet at www.psychboard.ca.gov, by calling
29 1-866-503-3221, or by writing to the following address:

30
31 Board of Psychology
32 1422 Howe Avenue, Suite 22
33 Sacramento, California 95825-3236”

34
35 ~~SEC. 9.—~~

36 *SEC. 13.* Section 4005 of the Business and Professions Code
37 is amended to read:

38 4005. (a) The board may adopt rules and regulations, not
39 inconsistent with the laws of this state, as may be necessary for the
40 protection of the public. Included therein shall be the right to adopt

1 rules and regulations as follows: for the proper and more effective
2 enforcement and administration of this chapter; pertaining to the
3 practice of pharmacy; relating to the sanitation of persons and
4 establishments licensed under this chapter; pertaining to
5 establishments wherein any drug or device is compounded,
6 prepared, furnished, or dispensed; providing for standards of
7 minimum equipment for establishments licensed under this
8 chapter; pertaining to the sale of drugs by or through any
9 mechanical device; and relating to pharmacy practice experience
10 necessary for licensure as a pharmacist.

11 (b) Notwithstanding any provision of this chapter to the
12 contrary, the board may adopt regulations permitting the
13 dispensing of drugs or devices in emergency situations, and
14 permitting dispensing of drugs or devices pursuant to a
15 prescription of a person licensed to prescribe in a state other than
16 California where the person, if licensed in California in the same
17 licensure classification would, under California law, be permitted
18 to prescribe drugs or devices and where the pharmacist has first
19 interviewed the patient to determine the authenticity of the
20 prescription.

21 (c) The board may, by rule or regulation, adopt, amend, or
22 repeal rules of professional conduct appropriate to the
23 establishment and maintenance of a high standard of integrity and
24 dignity in the profession. Every person who holds a license issued
25 by the board shall be governed and controlled by the rules of
26 professional conduct adopted by the board.

27 (d) The adoption, amendment, or repeal by the board of these
28 or any other board rules or regulations shall be in accordance with
29 Chapter 3.5 (commencing with Section 11340) of Part 1 of
30 Division 3 of Title 2 of the Government Code.

31 ~~SEC. 10.~~—

32 *SEC. 14.* Section 4026.5 is added to the Business and
33 Professions Code, to read:

34 4026.5. “Good standing” means a license issued by the board
35 that is unrestricted by disciplinary action taken pursuant to Chapter
36 5 (commencing with Section 11500) of Part 1 of Division 3 of Title
37 2 of the Government Code.

38 ~~SEC. 11.~~—

39 *SEC. 15.* Section 4030 of the Business and Professions Code
40 is amended to read:



1 4030. “Intern pharmacist” means a person issued a license
2 pursuant to Section 4208.

3 ~~SEC. 12.—~~

4 *SEC. 16.* Section 4059.5 of the Business and Professions
5 Code is amended to read:

6 4059.5. (a) Except as otherwise provided in this chapter,
7 dangerous drugs or dangerous devices may only be ordered by an
8 entity licensed by the board and shall be delivered to the licensed
9 premises and signed for and received by a pharmacist. Where a
10 licensee is permitted to operate through an exemptee, the
11 exemptee may sign for and receive the delivery.

12 (b) A dangerous drug or dangerous device transferred, sold, or
13 delivered to a person within this state shall be transferred, sold, or
14 delivered only to an entity licensed by the board, to a
15 manufacturer, or to an ultimate user or the ultimate user’s agent.

16 (c) Notwithstanding subdivisions (a) and (b), deliveries to a
17 hospital pharmacy may be made to a central receiving location
18 within the hospital. However, the dangerous drugs or dangerous
19 devices shall be delivered to the licensed pharmacy premises
20 within one working day following receipt by the hospital, and the
21 pharmacist on duty at that time shall immediately inventory the
22 drugs or devices.

23 (d) Notwithstanding any other provision of law, a dangerous
24 drug or dangerous device may be ordered by and provided to a
25 manufacturer, physician, dentist, podiatrist, optometrist,
26 veterinarian, or laboratory, or a physical therapist acting within the
27 scope of his or her license. A person or entity receiving delivery
28 of a dangerous drug or device, or a duly authorized representative
29 of the person or entity, shall sign for the receipt of the dangerous
30 drug or dangerous device.

31 (e) A dangerous drug or dangerous device shall not be
32 transferred, sold, or delivered to a person outside this state,
33 whether foreign or domestic, unless the transferor, seller, or
34 deliverer does so in compliance with the laws of this state and of
35 the United States and of the state or country to which the drugs or
36 devices are to be transferred, sold, or delivered. Compliance with
37 the laws of this state and the United States and of the state or
38 country to which the drugs or devices are to be delivered shall
39 include, but not be limited to, determining that the recipient of the

1 drugs or devices is authorized by law to receive the drugs or
2 devices.

3 (f) Notwithstanding subdivision (a), a pharmacy may take
4 delivery of dangerous drugs and dangerous devices when the
5 pharmacy is closed and no pharmacist is on duty if all of the
6 following requirements are met:

7 (1) The drugs are placed in a secure storage facility in the same
8 building as the pharmacy.

9 (2) Only the pharmacist-in-charge or a pharmacist designated
10 by the pharmacist-in-charge has access to the secure storage
11 facility after dangerous drugs or dangerous devices have been
12 delivered.

13 (3) The secure storage facility has a means of indicating
14 whether it has been entered after dangerous drugs or dangerous
15 devices have been delivered.

16 (4) The pharmacy maintains written policies and procedures
17 for the delivery of dangerous drugs and dangerous devices to a
18 secure storage facility.

19 (5) The agent delivering dangerous drugs and dangerous
20 devices pursuant to this subdivision leaves documents indicating
21 the name and amount of each dangerous drug or dangerous device
22 delivered in the secure storage facility.

23 The pharmacy shall be responsible for the dangerous drugs and
24 dangerous devices delivered to the secure storage facility. The
25 pharmacy shall also be responsible for obtaining and maintaining
26 records relating to the delivery of dangerous drugs and dangerous
27 devices to a secure storage facility.

28 ~~SEC. 13.—~~

29 *SEC. 17. Section 4068 is added to the Business and*
30 *Professions Code, to read:*

31 *4068. (a) Notwithstanding any provision of this chapter, a*
32 *prescriber may dispense a dangerous drug, including a controlled*
33 *substance, to an emergency room patient if all of the following*
34 *apply:*

35 *(1) The hospital pharmacy is closed and there is no pharmacist*
36 *available in the hospital.*

37 *(2) The dangerous drug is acquired by the hospital pharmacy.*

38 *(3) The dispensing information is recorded and provided to the*
39 *pharmacy when the pharmacy reopens.*

1 (4) *The hospital pharmacy retains the dispensing information*
2 *and, if the drug is a schedule II or schedule III controlled*
3 *substance, reports the dispensing information to the Department*
4 *of Justice pursuant to Section 11165 of the Health and Safety Code.*

5 (5) *The prescriber determines that it is in the best interest of the*
6 *patient that a particular drug regimen be immediately commenced*
7 *or continued, and the prescriber reasonably believes that a*
8 *pharmacy located outside the hospital is not available and*
9 *accessible at the time of dispensing to the patient.*

10 (6) *The quantity of drugs dispensed to any patient pursuant to*
11 *this section are limited to that amount necessary to maintain*
12 *uninterrupted therapy during the period when pharmacy services*
13 *outside the hospital are not readily available or accessible, but*
14 *shall not exceed a 72-hour supply.*

15 (7) *The physician shall ensure that the label on the drug*
16 *contains all the information required by Section 4076.*

17 (b) *The prescriber shall be responsible for any error or*
18 *omission related to the drugs dispensed.*

19 SEC. 18. Section 4076 of the Business and Professions Code
20 is amended to read:

21 4076. (a) A pharmacist may not dispense any prescription
22 except in a container that meets the requirements of state and
23 federal law and is correctly labeled with all of the following:

24 (1) Except where the prescriber or the certified nurse-midwife
25 who functions pursuant to a standardized procedure or protocol
26 described in Section 2746.51, the nurse practitioner who functions
27 pursuant to a standardized procedure described in Section 2836.1,
28 or protocol, or the physician assistant who functions pursuant to
29 Section 3502.1 orders otherwise, either the manufacturer's trade
30 name of the drug or the generic name and the name of the
31 manufacturer. Commonly used abbreviations may be used.
32 Preparations containing two or more active ingredients may be
33 identified by the manufacturer's trade name or the commonly used
34 name or the principal active ingredients.

35 (2) The directions for the use of the drug.

36 (3) The name of the patient or patients.

37 (4) The name of the prescriber or, if applicable, the certified
38 nurse-midwife who functions pursuant to a standardized
39 procedure or protocol described in Section 2746.51, the nurse
40 practitioner who functions pursuant to a standardized procedure

1 described in Section 2836.1, or protocol, a pharmacist who
2 functions under a protocol as described in Section 4052, or the
3 physician assistant who functions pursuant to Section 3502.1.

4 (5) The date of issue.

5 (6) The name and address of the pharmacy, and prescription
6 number or other means of identifying the prescription.

7 (7) The strength of the drug or drugs dispensed.

8 (8) The quantity of the drug or drugs dispensed.

9 (9) The expiration date of the effectiveness of the drug
10 dispensed.

11 (10) The condition for which the drug was prescribed if
12 requested by the patient and the condition is indicated on the
13 prescription.

14 (11) (A) Commencing January 1, 2006, the physical
15 description of the dispensed medication, including its color, shape,
16 and any identification code that appears on the tablets or capsules,
17 except as follows:

18 (i) Prescriptions dispensed by a veterinarian.

19 (ii) An exemption from the requirements of this paragraph
20 shall be granted to a new drug for the first 120 days that the drug
21 is on the market and for the 90 days during which the national
22 reference file has no description on file.

23 (iii) Dispensed medications for which no physical description
24 exists in any commercially available database.

25 (B) This paragraph applies to outpatient pharmacies only.

26 (C) The information required by this paragraph may be printed
27 on an auxiliary label that is affixed to the prescription container.

28 (D) This paragraph shall not become operative if the board,
29 prior to January 1, 2006, adopts regulations that mandate the same
30 labeling requirements set forth in this paragraph.

31 (b) If a pharmacist dispenses a prescribed drug by means of a
32 unit dose medication system, as defined by administrative
33 regulation, for a patient in a skilled nursing, intermediate care, or
34 other health care facility, the requirements of this section will be
35 satisfied if the unit dose medication system contains the
36 aforementioned information or the information is otherwise
37 readily available at the time of drug administration.

38 (c) If a pharmacist dispenses a dangerous drug or device in a
39 facility licensed pursuant to Section 1250 of the Health and Safety
40 Code, it is not necessary to include on individual unit dose

containers for a specific patient, the name of the certified nurse-midwife who functions pursuant to a standardized procedure or protocol described in Section 2746.51, the nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1, or protocol, a pharmacist who functions under a protocol as described in Section 4052, or the physician assistant who functions pursuant to Section 3502.1.

(d) If a pharmacist dispenses a prescription drug for use in a facility licensed pursuant to Section 1250 of the Health and Safety Code, it is not necessary to include the information required in paragraph (11) of subdivision (a) when the prescription drug is administered to a patient by a person licensed under the Medical Practice Act (Chapter 5 (commencing with Section 2000)), the Nursing Practice Act (Chapter 6 (commencing with Section 2700)), or the Vocational Nursing Practice Act (Chapter 6.5 (commencing with Section 2840)), who is acting within his or her scope of practice.

~~SEC. 14.~~

SEC. 19. Section 4081 of the Business and Professions Code is amended to read:

4081. (a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or exemptee-in-charge, for maintaining the records and inventory described in this section.

(c) The pharmacist-in-charge or exemptee-in-charge shall not be criminally responsible for acts of the owner, officer, partner, or

1 employee that violate this section and of which the
2 pharmacist-in-charge or exemptee-in-charge had no knowledge,
3 or in which he or she did not knowingly participate.

4 ~~SEC. 15.—~~

5 *SEC. 20.* Section 4101 of the Business and Professions Code
6 is amended to read:

7 4101. (a) A pharmacist who takes charge of, or acts as
8 pharmacist-in-charge of a pharmacy or other entity licensed by the
9 board, who terminates his or her employment at the pharmacy or
10 other entity, shall notify the board within 30 days of the
11 termination of employment.

12 (b) An exemptee-in-charge of a wholesaler or veterinary food
13 drug-animal retailer, who terminates his or her employment at that
14 entity shall notify the board within 30 days of the termination of
15 employment.

16 ~~SEC. 16.—~~

17 *SEC. 21.* Section 4107 is added to the Business and
18 Professions Code, to read:

19 4107. The board may not issue more than one site license to
20 a single premises except to issue a veterinary food-animal drug
21 retailer license to a wholesaler or to issue a license to compound
22 sterile injectable drugs to a pharmacy. For the purposes of this
23 subdivision, “premises” means a location with its own address
24 and an independent means of ingress and egress.

25 ~~SEC. 17.—~~

26 *SEC. 22.* Section 4114 of the Business and Professions Code
27 is amended to read:

28 4114. (a) An intern pharmacist may perform all functions of
29 a pharmacist at the discretion of and under the supervision of a
30 pharmacist whose license is in good standing with the board.

31 (b) A pharmacist may not supervise more than two intern
32 pharmacists at any one time.

33 ~~SEC. 18.—~~

34 *SEC. 23.* *Section 4127.7 is added to the Business and*
35 *Professions Code, to read:*

36 4127.7. *On and after July 1, 2005, a pharmacy shall*
37 *compound sterile injectable products from one or more nonsterile*
38 *ingredients in one of the following environments:*

1 (1) *An ISO class 5 laminar airflow hood within an ISO class 7*
2 *cleanroom. The cleanroom must have a positive air pressure*
3 *differential relative to adjacent areas.*

4 (2) *An ISO class 5 cleanroom.*

5 (3) *A barrier isolator that provides an ISO class 5 environment*
6 *for compounding.*

7 SEC. 24. *Section 4170.5 is added to the Business and*
8 *Professions Code, to read:*

9 4170.5. (a) *Veterinarians in a veterinary teaching hospital*
10 *operated by an accredited veterinary medical school may dispense*
11 *and administer dangerous drugs and devices and controlled*
12 *substances from a common stock.*

13 (b) *The veterinary teaching hospital shall designate a*
14 *pharmacist to be responsible for ordering the drugs for the*
15 *common stock and the designated pharmacist-in-charge shall be*
16 *professionally responsible to insure that inventories, security*
17 *procedures, training, protocol development, recordkeeping,*
18 *packaging, labeling, and dispensing occur in a manner that is*
19 *consistent with the promotion and protection of the health and*
20 *safety of the public.*

21 (c) *The veterinary teaching hospital's pharmacist-in-charge*
22 *shall develop policies, procedures, and guidelines that recognize*
23 *the unique relationship between the institution's pharmacists and*
24 *veterinarians in the control, management, dispensation, and*
25 *administration of drugs.*

26 (d) *The board may inspect a veterinary teaching hospital*
27 *dispensing or administering drugs pursuant to this section.*

28 SEC. 25. *Section 4200 of the Business and Professions Code*
29 *is amended to read:*

30 4200. (a) *The board may license as a pharmacist any*
31 *applicant who meets all the following requirements:*

32 (1) *Is at least 18 years of age.*

33 (2) (A) *Has graduated from a college of pharmacy or*
34 *department of pharmacy of a university recognized by the board;*
35 *or*

36 (B) *If the applicant graduated from a foreign pharmacy school,*
37 *the foreign-educated applicant has been certified by the Foreign*
38 *Pharmacy Graduate Examination Committee.*

39 (3) *Has completed at least 150 semester units of collegiate*
40 *study in the United States, or the equivalent thereof in a foreign*

1 country. No less than 90 of those semester units shall have been
2 completed while in resident attendance at a school or college of
3 pharmacy.

4 (4) Has earned at least a baccalaureate degree in a course of
5 study devoted to the practice of pharmacy.

6 (5) Has ~~carried~~ *completed* 1,500 hours of pharmacy practice
7 experience or the equivalent in accordance with Section 4209.

8 (6) Has passed a written and practical examination given by the
9 board prior to December 31, 2003, or has passed the North
10 American Pharmacist Licensure Examination and the Multi-State
11 Pharmacy Jurisprudence Examination for California on or after
12 January 1, 2004.

13 (b) Proof of the qualifications of an applicant for licensure as
14 a pharmacist, shall be made to the satisfaction of the board and
15 shall be substantiated by affidavits or other evidence as may be
16 required by the board.

17 (c) Each person, upon application for licensure as a pharmacist
18 under this chapter, shall pay to the executive officer of the board,
19 the fees provided by this chapter. The fees shall be compensation
20 to the board for investigation or examination of the applicant.

21 ~~SEC. 19.—~~

22 *SEC. 26. Section 4207 of the Business and Professions Code*
23 *is amended to read:*

24 4207. (a) Upon receipt of an application for a license and the
25 applicable fee, the board shall make a thorough investigation to
26 determine whether the applicant ~~and the premises for which a~~
27 ~~license is applied qualify for a license~~ *is qualified for the license*
28 *being sought*. The board shall also determine whether this article
29 has been complied with, and shall investigate all matters directly
30 related to the issuance of the license that may affect the public
31 welfare. ~~The~~

32 (b) ~~The~~ board shall not, ~~however,~~ investigate ~~any~~ matters
33 connected with the operation of a premises, ~~including operating~~
34 ~~hours, parking availability, or operating noise, other than those~~
35 ~~matters that, solely due to the furnishing, sale, or dispensing of~~
36 ~~narcotics, dangerous drugs, or dangerous devices other than those~~
37 ~~matters solely related to the furnishing of dangerous drugs or~~
38 ~~dangerous devices that might adversely affect the public welfare.~~

39 ~~The~~

1 (c) ~~The board shall deny an application for a license if either the~~
2 ~~applicant or the premises for which a license is applied do not~~
3 ~~qualify for a license under this article the applicant does not~~
4 ~~qualify for the license being sought.~~

5 (d) *Notwithstanding any other provision of law, the board may*
6 *request any information it deems necessary to complete the*
7 *application investigation required by this section, and a request for*
8 *information that the board deems necessary in carrying out this*
9 *section in any application or related form devised by the board*
10 *shall not be required to be adopted by regulation pursuant to the*
11 *Administrative Procedures Act (Chapter 3.5 (commencing with*
12 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
13 *Code).*

14 SEC. 27. Section 4208 is added to the Business and
15 Professions Code, to read:

16 4208. (a) At the discretion of the board, an intern pharmacist
17 license may be issued for a period of:

18 (1) One to six years to a person who is currently enrolled in a
19 school of pharmacy recognized by the board.

20 (2) Two years to a person who is a graduate of a school of
21 pharmacy recognized by the board and who has applied to become
22 licensed as a pharmacist in California.

23 (3) Two years to a foreign graduate who has met educational
24 requirements described in paragraphs (1) to (4), inclusive, of
25 subdivision (a) of Section 4200.

26 (4) One year to a person who has failed the pharmacist
27 licensure examination four times and has reenrolled in a school of
28 pharmacy to satisfy the requirements of Section 4200.1.

29 (b) The board may issue an intern pharmacist license to an
30 individual for the period of time specified in a decision of
31 reinstatement adopted by the board.

32 (c) An intern pharmacist shall notify the board within 30 days
33 of any change of address.

34 (d) An intern pharmacist whose license has been issued
35 pursuant to paragraph (1) or paragraph (4) of subdivision (a) shall
36 return his or her license, by registered mail, within 30 days of no
37 longer being enrolled in a school of pharmacy. The intern
38 pharmacist license will be canceled by the board. Notwithstanding
39 subdivision (c), an intern pharmacist license may be reinstated if
40 the student reenrolls in a school of pharmacy recognized by the

1 board to fulfill the education requirements of paragraphs (1) to (4),
2 inclusive, of subdivision (a) of Section 4200.

3 ~~SEC. 20.—~~

4 *SEC. 28.* Section 4209 is added to the Business and
5 Professions Code, to read:

6 4209. (a) An intern pharmacist shall complete 1,500 hours of
7 ~~pharmaceutical experience~~ *pharmacy practice* before applying for
8 the pharmacist licensure examination.

9 (1) This ~~pharmaceutical experience~~ *pharmacy practice* shall
10 comply with the Standards of Curriculum established by the
11 Accreditation Council for Pharmacy Education or with
12 regulations adopted by the board.

13 (b) An intern pharmacist shall submit proof of his or her
14 experience on board-approved affidavits, which shall be certified
15 under penalty of perjury by a pharmacist under whose supervision
16 such experience was obtained or by the pharmacist-in-charge at
17 the pharmacy while the pharmacist intern obtained the experience.

18 (c) An applicant for the examination who has been licensed as
19 a pharmacist in any state for at least one year, as certified by the
20 licensing agency of that state, shall be exempt from subdivision
21 (a). Certification of an applicant's licensure in another state shall
22 be submitted in writing and signed, under oath, by a duly
23 authorized official of the state in which the license is held.

24 ~~SEC. 21.—~~

25 *SEC. 29.* Section 4409 of the Business and Professions Code
26 is amended to read:

27 4409. At the time a pharmacy license is renewed pursuant to
28 subdivision (a) of Section 4110 or a pharmacist license is renewed
29 pursuant to Section 4401, the pharmacy or pharmacist may make
30 a contribution of at least twenty-five dollars (\$25), to be submitted
31 to the board, for the sole purpose of funding the California
32 Pharmacist Scholarship and Loan Repayment Program
33 established pursuant to Article 2 (commencing with Section
34 ~~429198~~ *128198*) of Chapter 3 of Part 3 of Division 107 of the
35 Health and Safety Code. The contribution submitted pursuant to
36 this section shall be paid into the State Treasury and credited to the
37 California Pharmacist Scholarship and Loan Repayment Program
38 Fund established pursuant to Section 128198.5 of the Health and
39 Safety Code.

40 ~~SEC. 22.—~~

1 *SEC. 30.* Section 4980.395 of the Business and Professions
2 Code is amended to read:

3 4980.395. (a) A licensee who began graduate study prior to
4 January 1, 2004, shall complete a three-hour continuing education
5 course in aging and long-term care during his or her first renewal
6 period after the operative date of this section and shall submit to
7 the board evidence, acceptable to the board, of the person's
8 satisfactory completion of the course.

9 (b) The course shall include, but is not limited to, the
10 biological, social, and psychological aspects of aging.

11 (c) A person seeking to meet the requirements of subdivision
12 (a) of this section may submit to the board a certificate evidencing
13 completion of equivalent courses in aging and long-term care
14 taken prior to the operative date of this section, or proof of
15 equivalent teaching or practice experience. The board, in its
16 discretion, may accept that certification as meeting the
17 requirements of this section.

18 (d) The board may not renew an applicant's license until the
19 applicant has met the requirements of this section.

20 (e) Continuing education courses taken pursuant to this section
21 shall be applied to the 36 hours of approved continuing education
22 required in Section 4980.54.

23 (f) This section shall become operative on January 1, 2005.

24 ~~SEC. 23.~~

25 *SEC. 31.* Section 4990.4 of the Business and Professions
26 Code is amended to read:

27 4990.4. "Accredited school of social work," within the
28 meaning of this chapter, is a school that is accredited by the
29 Commission on Accreditation of the Council on Social Work
30 Education.

31 ~~SEC. 24.~~

32 *SEC. 32.* Section 4996.18 of the Business and Professions
33 Code is amended to read:

34 4996.18. (a) A person who wishes to be credited with
35 experience toward licensure requirements shall register with the
36 board as an associate clinical social worker prior to obtaining that
37 experience. The application shall be made on a form prescribed by
38 the board and shall be accompanied by a fee of seventy-five dollars
39 (\$75). An applicant for registration shall (1) possess a master's
40 degree from an accredited school or department of social work,

1 and (2) not have committed any crimes or acts constituting
2 grounds for denial of licensure under Section 480. On and after
3 January 1, 1993, an applicant who possesses a master's degree
4 from a school or department of social work that is a candidate for
5 accreditation by the Commission on Accreditation of the Council
6 on Social Work Education shall be eligible, and shall be required,
7 to register as an associate clinical social worker in order to gain
8 experience toward licensure if the applicant has not committed any
9 crimes or acts that constitute grounds for denial of licensure under
10 Section 480. That applicant shall not, however, be eligible for
11 examination until the school or department of social work has
12 received accreditation by the Commission on Accreditation of the
13 Council on Social Work Education.

14 (b) Registration as an associate clinical social worker shall
15 expire one year from the last day of the month during which it was
16 issued. A registration may be renewed annually after initial
17 registration by filing on or before the date on which the registration
18 expires, an application for renewal, paying a renewal fee of
19 seventy-five dollars (\$75), and notifying the board whether he or
20 she has been convicted, as defined in Section 490, of a
21 misdemeanor or felony, and whether any disciplinary action has
22 been taken by any regulatory or licensing board in this or any other
23 state, subsequent to the issuance of the initial registration or
24 registrant's last renewal. Each person who registers or has
25 registered as an associate clinical social worker, may retain that
26 status for a total of six years.

27 (c) Notwithstanding the limitations on the length of an
28 associate registration in subdivision (b), an associate may apply
29 for, and the board shall grant, one-year extensions beyond the
30 six-year period when no grounds exist for denial, suspension, or
31 revocation of the registration pursuant to Section 480. An
32 associate shall be eligible to receive a maximum of three one-year
33 extensions. An associate who practices pursuant to an extension
34 shall not practice independently and shall comply with all
35 requirements of this chapter governing experience, including
36 supervision, even if the associate has completed the hours of
37 experience required for licensure. Each extension shall commence
38 on the date when the last associate renewal or extension expires.
39 An application for extension shall be made on a form prescribed
40 by the board and shall be accompanied by a renewal fee of fifty



1 dollars (\$50). An associate who is granted this extension may work
2 in all work settings authorized pursuant to this chapter.

3 (d) A registrant shall not provide clinical social work services
4 to the public for a fee, monetary or otherwise, except as an
5 employee.

6 (e) A registrant shall inform each client or patient prior to
7 performing any professional services that he or she is unlicensed
8 and is under the supervision of a licensed professional.

9 (f) Any experience obtained under the supervision of a spouse
10 or relative by blood or marriage shall not be credited toward the
11 required hours of supervised experience. Any experience obtained
12 under the supervision of a supervisor with whom the applicant has
13 a personal relationship that undermines the authority or
14 effectiveness of the supervision shall not be credited toward the
15 required hours of supervised experience.

16 (g) An applicant who possesses a master's degree from an
17 accredited school or department of social work shall be able to
18 apply experience the applicant obtained during the time the
19 accredited school or department was in candidacy status by the
20 Commission on Accreditation of the Council on Social Work
21 Education toward the licensure requirements, if the experience
22 meets the requirements of Section 4996.20, 4996.21, or 4996.23.
23 This subdivision shall apply retroactively to persons who possess
24 a master's degree from an accredited school or department of
25 social work and who obtained experience during the time the
26 accredited school or department was in candidacy status by the
27 Commission on Accreditation of the Council on Social Work
28 Education.

29 (h) An applicant for registration or licensure trained in an
30 educational institution outside the United States shall demonstrate
31 to the satisfaction of the board that he or she possesses a master's
32 of social work degree that is equivalent to a master's degree issued
33 from a school or department of social work that is accredited by
34 the Commission on Accreditation of the Council on Social Work
35 Education. These applicants shall provide the board with a
36 comprehensive evaluation of the degree and shall provide any
37 other documentation the board deems necessary. The board has the
38 authority to make the final determination as to whether a degree
39 meets all requirements, including, but not limited to, course
40 requirements regardless of evaluation or accreditation.

1 ~~SEC. 25.—~~

2 *SEC. 33.* Section 4996.20 of the Business and Professions
3 Code is amended to read:

4 4996.20. The experience required by subdivision (c) of
5 Section 4996.2 shall meet the following criteria:

6 (a) An applicant shall have at least 3,200 hours of post-master's
7 experience, supervised by a licensed clinical social worker, in
8 providing clinical social work services consisting of psychosocial
9 diagnosis; assessment; treatment, including psychotherapy and
10 counseling; client-centered advocacy; consultation; and
11 evaluation as permitted by Section 4996.9. For persons applying
12 for licensure on or after January 1, 1992, this experience shall have
13 been gained in not less than two nor more than six years and shall
14 have been gained within the six years immediately preceding the
15 date on which the application for licensure was filed.

16 (b) Notwithstanding the requirements of subdivision (a) that
17 3,200 hours of experience shall be gained under the supervision of
18 a licensed clinical social worker, up to 1,000 hours of the required
19 experience may be gained under the supervision of a licensed
20 mental health professional acceptable to the board.

21 For purposes of this section, "supervision" means
22 responsibility for and control of the quality of social work services
23 being provided. Consultation shall not be considered to be
24 supervision. Supervision shall include at least one hour of direct
25 supervision for each week of experience claimed. Not less than
26 one-half of the hours of required supervision shall be individual
27 supervision. The remaining hours may be group supervision.
28 "Individual supervision" means one supervisor meets with one
29 supervisee at a time. "Group supervision" means a supervisor
30 meets with a group of no more than eight supervisees at a time.

31 (c) For purposes of this section, a "private practice setting" is
32 any setting other than a governmental entity, a school, college or
33 university, a nonprofit and charitable corporation or a licensed
34 health facility. Employment in a private practice setting shall not
35 commence until the applicant has been registered as an associate
36 clinical social worker. A registrant employed in a private practice
37 setting shall not:

38 (1) Pay his or her employer for supervision, and shall receive
39 fair remuneration from his or her employer.

1 (2) Receive any remuneration from patients or clients and shall
2 only be paid by his or her employer.

3 (3) Perform services at any place except where the registrant's
4 employer regularly conducts business.

5 (4) Have any proprietary interest in the employer's business.

6 (d) A person employed in a setting other than a private practice
7 setting may obtain supervision from a person not employed by the
8 registrant's employer if that person has signed a written contract
9 with the employer to take supervisory responsibility for the
10 registrant's social work services.

11 (e) This section shall apply only to persons who apply for
12 registration on or before December 31, 1998.

13 ~~SEC. 26.~~—

14 *SEC. 34.* Section 4996.26 of the Business and Professions
15 Code is amended to read:

16 4996.26. (a) A licensee who began graduate study prior to
17 January 1, 2004, shall complete a three-hour continuing education
18 course in aging and long-term care during his or her first renewal
19 period after the operative date of this section, and shall submit to
20 the board evidence acceptable to the board of the person's
21 satisfactory completion of the course.

22 (b) The course shall include, but is not limited to, the
23 biological, social, and psychological aspects of aging.

24 (c) Any person seeking to meet the requirements of subdivision
25 (a) of this section may submit to the board a certificate evidencing
26 completion of equivalent courses in aging and long-term care
27 taken prior to the operative date of this section, or proof of
28 equivalent teaching or practice experience. The board, in its
29 discretion, may accept that certification as meeting the
30 requirements of this section.

31 (d) The board may not renew an applicant's license until the
32 applicant has met the requirements of this section.

33 (e) Continuing education courses taken pursuant to this section
34 shall be applied to the 36 hours of approved continuing education
35 required in Section 4996.22.

36 (f) This section shall become operative on January 1, 2005.

37 ~~SEC. 27.~~—

38 *SEC. 35.* Section 5810 of the Business and Professions Code
39 is amended to read:

1 5810. (a) This chapter shall be subject to the review required
2 by Division 1.2 (commencing with Section 473).

3 (b) This chapter shall remain in effect only until January 1,
4 ~~2006~~ 2007, and as of that date is repealed, unless a later enacted
5 statute, that is enacted before January 1, ~~2006~~ 2007, deletes or
6 extends that date.

7 SEC. 36. *Section 13401 of the Corporations Code is amended*
8 *to read:*

9 13401. As used in this part:

10 (a) “Professional services” means any type of professional
11 services that may be lawfully rendered only pursuant to a license,
12 certification, or registration authorized by the Business and
13 Professions Code, the Chiropractic Act, or the Osteopathic Act.

14 (b) “Professional corporation” means a corporation organized
15 under the General Corporation Law or pursuant to subdivision (b)
16 of Section 13406 that is engaged in rendering professional services
17 in a single profession, except as otherwise authorized in Section
18 13401.5, pursuant to a certificate of registration issued by the
19 governmental agency regulating the profession as herein provided
20 and that in its practice or business designates itself as a
21 professional or other corporation as may be required by statute.
22 However, any professional corporation or foreign professional
23 corporation rendering professional services by persons duly
24 licensed by the Medical Board of California or any examining
25 committee under the jurisdiction of the board, the Osteopathic
26 Medical Board of California, the Dental Board of California, the
27 California State Board of Pharmacy, the Veterinary Medical
28 Board, the California Architects Board, the Court Reporters Board
29 of California, the Board of Behavioral Sciences, *the*
30 *Speech-Language Pathology and Audiology Board*, or the Board
31 of Registered Nursing shall not be required to obtain a certificate
32 of registration in order to render those professional services.

33 (c) “Foreign professional corporation” means a corporation
34 organized under the laws of a state of the United States other than
35 this state that is engaged in a profession of a type for which there
36 is authorization in the Business and Professions Code for the
37 performance of professional services by a foreign professional
38 corporation.

39 (d) “Licensed person” means any natural person who is duly
40 licensed under the provisions of the Business and Professions

Code, the Chiropractic Act, or the Osteopathic Act to render the same professional services as are or will be rendered by the professional corporation or foreign professional corporation of which he or she is or intends to become, an officer, director, shareholder, or employee.

(e) “Disqualified person” means a licensed person who for any reason becomes legally disqualified (temporarily or permanently) to render the professional services that the particular professional corporation or foreign professional corporation of which he or she is an officer, director, shareholder, or employee is or was rendering.

SEC. 37. Section 11159.1 of the Health and Safety Code is amended to read:

11159.1. An order for controlled substances furnished to a patient in a clinic which has a permit issued pursuant to Article 13 (commencing with Section 4180) of Chapter 9 of Division 2 of the Business and Professions Code, except an order for a Schedule II controlled substance, shall be exempt from the prescription requirements of this article and shall be in writing on the patient’s record, signed by the prescriber, dated, and shall state the name and quantity of the controlled substance ordered and the quantity actually furnished. The record of the order shall be maintained as a clinic record for a minimum of seven years. This section shall apply only to a clinic that has obtained a permit under the provisions of Article 13 (commencing with Section 4180) of Chapter 9 of Division 2 of the Business and Professions Code.

Clinics that furnish controlled substances shall be required to keep a separate record of the furnishing of those drugs which shall be available for review and inspection by all properly authorized personnel.

~~SEC. 28.—~~

SEC. 38. Section 11207 of the Health and Safety Code is amended to read:

11207. (a) No person other than a pharmacist as defined in Section 4036 of the Business and Professions Code or an intern pharmacist, as defined in Section 4030 of the Business and Professions Code, who is under the personal supervision of a pharmacist, shall compound, prepare, fill or dispense a prescription for a controlled substance.

(b) Notwithstanding subdivision (a), a pharmacy technician may perform those tasks permitted by Section 4115 of the Business and Professions Code when assisting a pharmacist dispensing a prescription for a controlled substance.

~~SEC. 29.—~~

SEC. 39. Section 111625 of the Health and Safety Code is amended to read:

111625. (a) A license application shall be completed annually and accompanied by an application fee as prescribed in Section 111630. This fee is not refundable if the license is refused.

(b) A manufacturer licensed pursuant to this article may not operate without employing sufficient, qualified supervision to adequately safeguard and protect the public health. Either a pharmacist licensed pursuant to Section 4200 of the Business and Professions Code or an individual issued a certificate of exemption pursuant to Section 4053 of the Business and Professions Code shall be deemed qualified to provide sufficient, qualified supervision, as required by this subdivision.

~~SEC. 30.—~~

SEC. 40. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.